

BEFORE THE

APR - 7 1994

Federal Communications Commission
WASHINGTON, D.C.

COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

MM DOCKET NO. 94-19Implementation of Section 9
of the Communications ActAssessment and Collection of
Regulatory Fees for the 1994
Fiscal Year**COMMENTS OF CARNEGIE-MELLON STUDENT GOVERNMENT CORPORATION**

CARNEGIE-MELLON STUDENT GOVERNMENT CORPORATION ("Carnegie-Mellon"), by Counsel, and pursuant to §1.415 of the Commission's Rules and ¶101 of the *Notice of Proposed Rule Making* FCC 94-46 in the above-captioned proceeding ("NPRM"), hereby respectfully submits its Comments regarding imposition of an annual regulatory fee with respect to Restricted Operator Permits for students working at non-commercial educational ("NCE") radio stations.

Carnegie-Mellon is the Licensee of noncommercial educational Station WRCT (FM), Pittsburgh, Pennsylvania. Carnegie-Mellon views the imposition of an annual regulatory fee, payable in advance, on holders of Restricted Radiotelephone Operator Permits for NCE radio personnel as a significant disincentive to students who are interested in volunteering their services to work at its campus radio station. It believes that other noncommercial educational licensees would experience similar adverse impact from imposition of such fees, and that imposition of such fees on student applicants and holders for Restricted Radiotelephone Operator permits working at noncommercial educational stations is therefore contrary to the public interest.

Currently, the Commission's rules provide an exemption for payment of filing fees for Restricted Radiotelephone Operator Permit applications from persons

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who will be working at NCE radio stations, provided that a certification letter from the educational institution's advisor for the radio station, confirming that the applicant will use the permit at an NCE station on an NCE basis accompanies the application.¹ This practice is consistent with the FCC's announced intention to exempt payment of filing fees by noncommercial educational broadcast station applicants who qualify as such under the FCC's Rules. At present, application filing fees are assessed only against commercial broadcast applicants.

While the Commission's *NPRM* indicates that the FCC does not intend to impose annual regulatory fees on NCE broadcast stations or other non-profit entities who qualify under the Commission's Rules,² or under the Internal Revenue Code, no specific exemption or waiver of the annual regulatory fee is proposed for Restricted Radiotelephone Operator permittees who work at NCE stations, similar to that provided for in §1.1112(d) of the Commission's Rules. A clarification that Restricted Radiotelephone Operator permittees working at NCE stations on an NCE basis will be exempt from such annual fees is in order. Such an exemption would be fully consistent with the Commission's existing exemption, as well as with Congress' intent in imposing the annual fees.

An exemption from the annual regulatory fee for NCE radio station personnel who apply for or hold Restricted Radiotelephone Operator Permits is in the public interest. Such an exemption will advance the efficient operation of such stations, and will encourage such stations to continue their training efforts in the broadcast industry.

Carnegie-Mellon, like other NCE radio stations, relies on student trainees and volunteers for operation of its station. No salaries are paid to students who

¹47 C.F.R. §1.1112(d).

²See ¶¶ 14-16 of the *NPRM*.

work at the station, and student volunteers, like students everywhere, are typically and traditionally short of funds. The imposition of an annual regulatory fee in connection with any application for a Restricted Operator permit could pose a substantial burden on students who cannot afford either the filing or the annual fees, which together would amount, under the present schedules, to \$140, and could discourage such students from volunteering their services. Imposition of such fees on student operators could thus significantly impact on operation of Carnegie-Mellon's NCE radio station by limiting its operating hours, or its ability to operate at all. Additionally, imposition of a fee in advance for the full term of the permit is an unreasonable burden to place on students who may work at the station only two or three years, and who may never use the permit again after college. Under the proposed rule,³ such students would be required to pay a fee for a full fifteen years, rather than only two or three years.

Carnegie-Mellon also notes that imposition of such fees would have significant adverse impact on minority students, many of whom attend Carnegie-Mellon on limited scholarships and loans, which are restricted to funding for tuition, board and books, and cannot be used for other purposes. Congress cannot have intended by its action to reduce the educational and training opportunities in broadcasting for students and minorities. Moreover, imposition of such fees on students attending college on federally-subsidized loan programs would undercut the purpose of such programs, and would be inconsistent with federal policies encouraging higher education through such loan programs.⁴

³The Restricted Operator's fee will likely be treated as a "small" fee, thus collectible in advance, rather than annually.

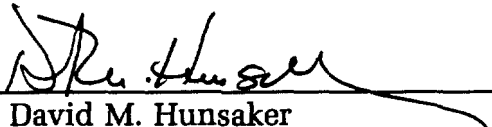
⁴*Cf. Memorandum Opinion and Order*, Gen. Docket 86-285, *Fee Collection Program*, 6 FCC Rcd 5919, at ¶ 43. Therein, the FCC viewed imposition of filing fees as undercutting federal policies which were intended to enhance financial support provided by the government for NCE stations.


It is Carnegie-Mellon's belief that a specific exemption from payment for the annual regulatory fee for NCE radio station personnel, or an extension of the current waiver policy for filing fees for such applicants would be in the public interest, and fully consistent with the Commission's existing filing fee rules and Congress' intent to exempt noncommercial and nonprofit entities from the annual regulatory fees. Accordingly, Carnegie-Mellon requests that the Commission include a clarification either exempting the payment of the annual fee, or clarifying the waiver policy for such applicants, in its final Order, as well as in its final fee schedule.

WHEREFORE, the foregoing considered, Carnegie-Mellon requests that the Commission ACCEPT the instant Comments, and CLARIFY its proposed rules to include an exemption from annual fees for applicants or holders of Restricted Radiotelephone Operator permits used in conjunction with an NCE broadcast station on an NCE basis.

Respectfully submitted,

**CARNEGIE-MELLON STUDENT
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